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COMMISSION ON HUMAN RIGHTS
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Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

Angola*, Austria, Belgium*, Brazil, Bulgaria*, Canada, Cape Verde, Czech Republic, Denmark, Finland*, France, Germany, Greece*, Hungary*, Ireland, Italy, Japan, Lithuania*, Luxembourg, Malta*, Netherlands*, New Zealand*, Norway*, Peru, Philippines, Poland, Portugal*, Republic of Korea, Romania*, Russian Federation, San Marino*, Slovakia, Spain*, Sweden*, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay: draft resolution

1998/... United Nations staff

The Commission on Human Rights,

Recalling its resolution 1997/25 of 11 April 1997,

Gravely concerned at the recent increase in attacks and the use of force against United Nations and other personnel acting under the authority of United Nations operations as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of assets and other hostile acts, and, in this context, welcoming the statement by the President of the Security Council of 12 March 1997 (S/PRST/1997/13) on "Security of United Nations operations",

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting that, since its adoption the Convention on the Safety of United Nations and Associated Personnel has only been signed by 43 Member States and ratified by 17,

1. Takes note of the report of the Secretary-General on the security of United Nations personnel (E/CN.4/1998/33);

2. Draws attention to the relevant principles on protection found in the Convention on the Privileges and immunities of the United Nations, in the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

3. Calls upon all States to consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel;

4. Calls upon all States and others concerned:

(a) To respect and ensure respect for the rights of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations;

(b) To provide adequate and prompt information concerning the arrest or detention of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(c) To grant the representative of the competent international organization immediate access to such personnel;

(d) To allow independent medical teams to investigate the health of detained United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(e) To allow representatives of the competent international organization to attend hearings involving United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

(f) To ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

(g) To ensure that the perpetrators of unlawful acts against United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are held accountable for their actions,

5. Requests the Secretary-General:

(a) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and, when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(b) To take the necessary measures to implement the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19), including the recommendations contained in paragraphs 45 and 47;

(c) To seek the inclusion of the applicable principles referred to in paragraph 2 of the present resolution in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel;

(d) To submit to the Commission at its fifty-sixth session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases which have been successfully settled as they relate to the principles set out in the International Covenants on Human Rights, and on the implementation of the measures referred to in the present resolution;

(e) To submit to the Commission at its fifty-sixth session the comprehensive and independent study, requested from within existing resources, in resolution 1997/25, to shed further light on the safety and security problems which United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation currently face, taking into account the evolution of the nature of United Nations missions around the world and their greater responsibilities, giving due consideration to the views of the main United Nations agencies concerned and those of relevant intergovernmental and non-governmental organizations.